

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MILLARD GUTTER COMPANY, a
Corporation d/b/a MILLARD ROOFING
AND GUTTER, GILICK ENTERPRISES,
INC., and GROSS POINT HOLDINGS
LLC,

Plaintiffs,

vs.

NATIONWIDE INSURANCE a/k/a or d/b/a
NATIONWIDE, and DEPOSITORS
INSURANCE COMPANY,

Defendants.

Case No. 8:18-cv-23

NOTICE OF REMOVAL

Defendants Nationwide Insurance and Depositors Insurance Company (hereinafter collectively "Defendants") file this Notice of Removal pursuant to 28 U.S.C. §§ 1441(a) and 1332. In support of this Notice, Defendants state:

1. On or about July 31, 2017, Plaintiffs Millard Gutter Company d/b/a Millard Roofing and Gutter, Gillick Enterprises, Inc., and Gross Point Holdings LLC (hereinafter collectively "Plaintiffs") initiated this civil action by filing a Complaint in the District Court of Sarpy County, Nebraska, Case No. CI 17-1298, captioned "*Millard Gutter Company d/b/a Millard Roofing and Gutter, Gillick Enterprises, Inc., and Gross Point Holdings LLC, Plaintiffs, vs. Nationwide Insurance a/k/a or d/b/a Nationwide, and Depositors Insurance Company, Defendants.*"
2. Defendants were served with process by certified mail on or about December 26, 2017, requiring any Notice of Removal be filed on or by January 25, 2018, pursuant to 28 U.S.C. § 1446(b). A copy of the Certified Mail Proof of Service for service upon Nationwide Insurance is attached hereto and incorporated herein as

Exhibit “A” to this Notice. A copy of the Certified Mail Proof of Service for service upon Depositors Insurance Company is attached hereto and incorporated herein as Exhibit “B” to this Notice

3. Defendants have not filed any responsive pleadings concerning this case in the District Court of Sarpy County, Nebraska, prior to the filing of this Notice of Removal.
4. A copy of all process, pleadings and orders served upon Defendants are attached hereto and incorporated herein as Exhibit “C” to this Notice.
5. The United States District Court for the District of Nebraska has original jurisdiction over the claims asserted in the state court action pursuant to 28 U.S.C. § 1332(a) and the action may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441(a).
6. Diversity of the parties is complete. Plaintiffs are domiciled in Nebraska. Defendant Nationwide Insurance Company is a corporation formed under the laws of the State of Ohio with its principal place of business in Ohio, and Defendant Depositors Insurance Company is a corporation formed under the laws of the State of Iowa with its principal place of business in Iowa.
7. The amount in controversy in this action is reasonably estimated to exceed \$75,000.00, exclusive of interest and costs.
8. Promptly after the filing of this Notice of Removal, written notice will be given by Defendants to all other parties and a copy of this Notice will be delivered to the District Court of Sarpy County, Nebraska, as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants pray that this entire cause be removed from the District Court of Sarpy County, Nebraska, to this Court.

NATIONWIDE INSURANCE and DEPOSITORS
INSURANCE COMPANY, Defendants

By: /s/ Matthew D. Hammes
For: Thomas M. Locher, #15797
Matthew D. Hammes, # 21484
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY certifies that the foregoing was filed in and served by the ECF System of this Court, and that the following persons were mailed a copy thereof by United States Mail, on this 25th day of January, 2018:

Theodore R. Boecker, Jr.
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/s/ Matthew D. Hammes